

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL CONDUCTED ELECTRONICALLY, ON MONDAY 7 FEBRUARY 2022

HOUR CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 10

IN ATTENDANCE

General Manager
(Mr I Nelson)

Group Manager Engineering Services
(Mr R Graham)

Manager Health and Community Development
(Mr J Toohey)

Manager City Planning
(Mr R Lovell)

Manager Communication and Strategic Development
(Mr C Paske)

Chief Financial Officer
(Ms M Coleman)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 9.21pm.

The Mayor opened the meeting with the council prayer and made the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege.

There is a link to the agenda papers on council’s website.

COUNCIL MEETING
MONDAY 7 FEBRUARY 2022

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- 10.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 10.2 TENDER T1397-20 - CLARENCE AQUATIC CENTRE - MECHANICAL SERVICES UPGRADE
- 10.3 TENDER T1434-21 - OAKBANK ROAD, OTAGO BAY - ROAD RECONSTRUCTION
- 10.4 APPOINTMENT OF COMMITTEE MEMBER AND CHAIRPERSON

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Alderman Walker

Item No. 6.3

3. OMNIBUS ITEMS

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 17 January 2022, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Warren **SECONDED** Ald Peers

“That the Minutes of the Council Meeting held on 17 January 2022, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3.2 MAYOR'S COMMUNICATION

The Mayor reported on the following meetings and attendances since the last Council Meeting:

Mayor

- 22 January: ABC News Interview;
- 25 January: Southern Cross News – Postponement of Australia Day Awards;
- 26 January: Australia Day Citizenship Ceremony;
- 27 January: Channel 7 Interview on Stormwater;
- 28 January: Triple M Interview – Bushfire Management;
Southern COVID-19 Regional Recovery Committee Meeting;
- 29 January: World Wetlands Day – Media;
- 1 February: Community Aviation Consultative Group Meeting;
- 2 February: Greater Hobart Mayor's Forum;
- 3 February: TasWater – Owners' Representatives Quarterly Briefing.

MAYOR'S COMMUNICATION /contd...

Deputy Mayor on behalf of Mayor

- 29 January: MOFO – Mono Foma 2022.

Ald Warren on behalf of Mayor

- 4 February: Guys and Dolls Production.

3.3 COUNCIL WORKSHOPS

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE**DATE**

Confidential Briefing – Droughty Point Urban Growth Boundary
 52 Richardsons Road Urban Growth Boundary Consultation Results
 Tangara Trail – Dog Management Policy
 Confidential Briefing – Aldermanic Workplace Behaviour Report

31 January

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Warren **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

3.4. TABLING OF PETITIONS

Nil.

3.5 REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

3.6 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required.

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker
(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

Ald Walker advised that the proposed site tour has been postponed due to current COVID precautions.

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 31 December 2021.

- **GREATER HOBART COMMITTEE**

3.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

3.8 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 17, 24 and 31 January 2022 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 17, 24 and 31 January 2022 be noted.

Decision: **MOVED** Ald Warren **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

4. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

4.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Nil.

4.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

4.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

5. DEPUTATIONS BY MEMBERS OF THE PUBLIC
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(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

Nil.

6	PLANNING AUTHORITY MATTERS
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In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

6.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/023463 – 53A SEVEN MILE BEACH ROAD, SEVEN MILE BEACH - DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 53A Seven Mile Beach Road, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential and subject to the Parking and Sustainable Transport, Natural Assets, Coastal Inundation Hazard, Flood-Prone Areas Hazard and Safeguarding of Airports Codes under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42-day period which was extended with the consent of the applicant until 9 February 2022.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and two representations were received raising the following issues:

- Flood Hazard report not provided;
- non-compliance with Natural Assets Code;
- inundation/flooding;
- structure plan not completed; and
- statutory timeframe/delegations.

RECOMMENDATION:

A. That the Development Application for a Dwelling at 53A Seven Mile Beach Road, Seven Mile Beach (CI Ref PDPLANPMTD-2021/023463) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG M5 – EROSION CONTROL.

ADVICE

- a. The proposed works are located within a mapped overland flow path and prone to flood. Please refer to Council's flood mapping system <https://www.ccc.tas.gov.au/flood-maps/>

Therefore, in accordance with the requirements of the Building Act and Regulations, the finished floor level FFL of all habitable rooms must be 300mm or more above the designated flood level for that land. You should seek advice on this from your designer and building surveyor at the earliest possible opportunity.

- b. The property is within a mapped Coastal Inundation Hazard area. Please provide a Hazard Report for Coastal Inundation from a suitably qualified person that meets the requirements of the Determinations and Building Act 2016. These reports must form part of the certified documents issued by the Building Surveyor for the building application.
- c. An application for a Plumbing Permit to install an on-site wastewater disposal system must be submitted and approved as part of the Building Application.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Decision: **MOVED** Ald Ewington **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Chipman
Ald Blomeley
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald Walker
Ald Warren

AGAINST

Ald von Bertouch

6.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/024357 – 64 SURF ROAD, SEVEN MILE BEACH - DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 64 Surf Road, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential and subject to the Parking and Sustainable Transport Code, Road and Railway assets Code and Safeguarding of the Airports Code under the *Tasmanian Planning Scheme - Clarence (the Scheme)*. In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on 9 February 2022.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and two representations were received raising the following issues:

- structure plan not completed;
- stormwater management;
- visual impact;
- overshadowing;
- site coverage;
- inconsistency with the character of the area; and
- loss of property values.

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 64 Surf Road, Seven Mile Beach (CI Ref PDPLANPMTD-2021/024357) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

ADVICE

An application for a Plumbing Permit to install an on-site wastewater disposal system must be submitted and approved as part of the Building Application.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Decision:	<p>MOVED Ald Peers SECONDED Ald Ewington</p> <p>“That the Recommendation be adopted”.</p> <p>The MOTION was put and LOST</p> <table> <tr> <td>FOR</td><td>AGAINST</td></tr> <tr> <td>Ald Chipman</td><td>Ald Edmunds</td></tr> <tr> <td>Ald Blomeley</td><td>Ald James</td></tr> <tr> <td>Ald Chong</td><td>Ald Kennedy</td></tr> <tr> <td>Ald Ewington</td><td>Ald Mulder</td></tr> <tr> <td>Ald Peers</td><td>Ald von Bertouch</td></tr> <tr> <td>Ald Walker</td><td>Ald Warren</td></tr> </table> <p>MOVED Ald Mulder SECONDED Ald Kennedy</p> <p>“A. That the Development Application for a dwelling at 64 Surf Road, Seven Mile Beach (C1 Ref PDPLANPMTD-2021/024357) be refused because the proposal does not comply with:</p> <ol style="list-style-type: none"> 1. Clause 10.4.3 A2 in that the siting of the dwelling causes unreasonable loss of amenity to adjoining properties. 2. Clause 10.4.4 A1 in that the site coverage exceeds the maximum of 30% allowed by the Low-Density Residential Zone and is not consistent with the adjoining properties. <p>B. That the reasons for refusal are as follows:</p>	FOR	AGAINST	Ald Chipman	Ald Edmunds	Ald Blomeley	Ald James	Ald Chong	Ald Kennedy	Ald Ewington	Ald Mulder	Ald Peers	Ald von Bertouch	Ald Walker	Ald Warren
FOR	AGAINST														
Ald Chipman	Ald Edmunds														
Ald Blomeley	Ald James														
Ald Chong	Ald Kennedy														
Ald Ewington	Ald Mulder														
Ald Peers	Ald von Bertouch														
Ald Walker	Ald Warren														

Clause	Performance Criteria	Assessment
10.4.3 A2	The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties having regard to	See below
	d) height bulk and form of existing and proposed buildings;	The site is a narrow subminimal lot making it difficult to comply with the setback requirements. However, the proposed two storey residence contrasts with, and unreasonably impacts on the amenity of, the single storey residences on the adjoining lots on either side. Re-siting the proposed dwelling as suggested by a representor would significantly reduce the impacts on the amenity of neighbouring properties.

DEVELOPMENT APPLICATION PDPLANPMTD-2021/024357 – 64 SURF ROAD, SEVEN MILE BEACH – DWELLING /Decision contd...

Clause	Performance Criteria	Assessment														
10.4.4 A1	The site coverage of dwellings must be consistent with that existing on established properties in the area, having regard to	See below														
	c) Size and shape of the site;	The proposal is for a 2 storey dwelling with 33% site coverage (or 44% if the right-of-way is excluded). The maximum allowed by the Acceptable Solution is 30%. A 3% re-sizing of the building footprint would meet the Acceptable Solution, although a re-siting of the proposed dwelling as suggested by the representor would reduce the impacts of exceeding the site coverage.														
	g) the site coverage of adjacent properties.	Adjoining properties including 64A Surf Road comply with site coverage requirements. Being a subminimal sized lot, the bulk and scale of any development should comply with site coverage as is the case with the two storey dwelling at 64A Surf Road.														
<div>The ALTERNATIVE MOTION was put and LOST</div> <table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Edmunds</td><td>Ald Chipman</td></tr><tr><td>Ald James</td><td>Ald Blomeley</td></tr><tr><td>Ald Kennedy</td><td>Ald Chong</td></tr><tr><td>Ald Mulder</td><td>Ald Ewington</td></tr><tr><td>Ald von Bertouch</td><td>Ald Peers</td></tr><tr><td>Ald Warren</td><td>Ald Walker</td></tr></table>			FOR	AGAINST	Ald Edmunds	Ald Chipman	Ald James	Ald Blomeley	Ald Kennedy	Ald Chong	Ald Mulder	Ald Ewington	Ald von Bertouch	Ald Peers	Ald Warren	Ald Walker
FOR	AGAINST															
Ald Edmunds	Ald Chipman															
Ald James	Ald Blomeley															
Ald Kennedy	Ald Chong															
Ald Mulder	Ald Ewington															
Ald von Bertouch	Ald Peers															
Ald Warren	Ald Walker															

The Mayor advised that as Council had failed to determine the application for a permit under the Land Use Planning and Approvals Act, 1993, the matter will be dealt with by Council's Manager City Planning under delegation in accordance with the Act.

6.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/024326 – 228 DERWENT AVENUE, LINDISFARNE - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use from Residential to Consulting rooms at 228 Derwent Avenue, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport, Flood Prone Areas and Safeguarding of Airports Codes under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on 9 February 2022.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and six representations were received raising the following issues:

- car parking;
- traffic;
- pedestrian safety;
- decreased values on adjoining properties;
- security of medication storage;
- reduction in residential use; and
- more suitable alternative locations available.

RECOMMENDATION:

A. That the Development Application for Change of Use from Residential to Consulting Rooms at 228 Derwent Avenue, Lindisfarne (Cl Ref PDPLANPMTD-2021/024326) be approved, subject to the following conditions.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.
3. GEN AM5 – TRADING HOURS [Tuesday – Saturday: 10am – 5pm].
4. ENG M1 – DESIGNS DA.

5. ENG A5 – SEALED CAR PARKING.
6. Only the equivalent of (1) one fulltime practitioner must operate from the site.
7. The hedge located adjacent to the south-eastern boundary of the site must be retained and maintained in perpetuity by the existing and future owner/occupiers of the property, and in a healthy state. If the vegetation that comprises the hedge dies or is removed, it is to be replaced with vegetation of a similar species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.
8. TASWATER – the development must meet all required Conditions of Approval specified by TasWater notice dated 15 December 2021 (TWDA 2021/02129-CCC).

ADVICE

Advice should be sought from your designer and a building surveyor, with regard to fire separation, disability access and the requirements for the change of use from a 1a dwelling, to a class 5 office/consulting room and issue of a new occupancy permit.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of the matter.

Ald Walker declared an Interest in this Item and left the Meeting prior to discussion (7.32pm).

Decision:	MOVED Ald Blomeley SECONDED Ald Ewington	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald James
	Ald Chipman	
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Warren	

6.4 DEVELOPMENT APPLICATION PDPLANPMTD-2021/023849 – 2 FORT STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions and Alterations to Dwelling at 2 Fort Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code, Safeguarding of Airports Code, and the Bellerive Bluff Specific Area Plan under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on 7 February 2022, as extended with approval from the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and two representations were received raising the following issues:

- loss of privacy – overlooking;
- loss of amenity – overlooking;
- proximity to and inadequate setback of existing dwelling;
- loss of sunlight to private open space;
- lack of clarity in plans; and
- increased bulk due to enclosure of upper balcony.

RECOMMENDATION:

A. That the Development Application for Additions and Alterations to Dwelling at 2 Fort Street, Bellerive (CI Ref PDPLANPMTD-2021/023849) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [showing the glass wall of the upper deck enclosure, in the south-east corner, for a distance of 2.5m along the eastern and 2.8m along the southern elevation, from the south-east corner, constructed from opaque glass to a height of 1.7m above finished floor level].

ADVICE

The Certificate of Title contains several private covenants. Compliance with the covenants is the landowner's legal responsibility and may prevent or alter the ability to act upon this permit.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Ald Walker returned to the meeting at this stage (7.42pm).

Decision: **MOVED** Ald James **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

6.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006697 – 23 AND 25 HILL STREET, BELLERIVE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW) AND BOUNDARY ADJUSTMENT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 existing + 2 new) and Boundary Adjustment at 23 and 25 Hill Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Rail Assets Code and Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on 9 February 2022.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and three representations were received raising the following issues:

- overshadowing;
- loss of privacy;
- devalued land;
- height and massing; and
- mental and physical health and quality of life.

RECOMMENDATION:

A. That the Development Application for 3 Multiple Dwellings (1 existing + 2 new) and Boundary Adjustment at 23 and 25 Hill Street, Bellerive (Cl Ref PDPLANPMTD-2020/006697) be refused for the following reasons.

1. The proposal does not comply with Clause 10.4.2 P3 (a) as the development would cause a loss of solar access to habitable room windows and the private open space of adjoining properties which would result in an unreasonable loss of amenity.
2. The proposal does not comply with Clause 10.4.6 P2 as the development would cause an unreasonable impact upon residential amenity of neighbouring properties due to loss of privacy and overlooking.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Decision:	MOVED Ald James SECONDED Ald Walker	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Ald Chipman	Ald Blomeley
	Ald Chong	Ald Ewington
	Ald Edmunds	
	Ald James	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

7. REPORTS OF OFFICERS

7.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

7.2 ASSET MANAGEMENT

Nil Items.

7.3 FINANCIAL MANAGEMENT

Nil Items.

7.4 GOVERNANCE

Nil Items.

8. MOTIONS ON NOTICE

8.1 NOTICE OF MOTION – ALD WALKER DERELICT BUILDINGS WITHIN THE CLARENCE MUNICIPALITY

In accordance with Notice given it was:

Decision: **MOVED** Ald Walker **SECONDED** Ald Kennedy

“That Council:

- A. Provides in principle support for a Dilapidated, Derelict and Abandoned Properties Register for the Clarence municipality.
- B. Requests that the General Manager investigate and report to council via a workshop:
 - the viability of establishing a publicly available ‘dilapidated, derelict and abandoned properties’ register in the Clarence municipality; and
 - the options, if any, for establishing a charge (levy, rate or similar) to be applied to buildings placed upon the dilapidated, derelict and abandoned buildings register.
- C. That LGAT lobby the State Government to investigate a legislative mechanism enabling state-wide, publicly available dilapidated, derelict and abandoned buildings registers and to charge levies in respect to those properties.”

CARRIED

FOR

Ald Chipman
Ald Blomeley
Ald Chong
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Peers
Ald Walker
Ald Warren

AGAINST

Ald James
Ald von Bertouch

8.2 NOTICE OF MOTION – ALD MULDER PLANNING AUTHORITY DELEGATION

In accordance with Notice given it was:

Decision: MOVED Ald Mulder SECONDED Ald James																
“That this Council approve the following delegation in respect to section 59 of the Land Use Planning & Approvals Act 1993, delegating its powers in the specified circumstance to the identified council officers.																
Land Use Planning & Approvals Act 1993 Section 59(7)	To grant permits with or without conditions and to refuse permits (development applications and subdivisions) as appropriate in relation to applications for permits in accordance with the provisions of the relevant Planning Scheme and/or consistent with Council policies and standards where Council, sitting as a Planning Authority, has been unable to determine the application and the statutory time under section 57(6)(b)(i) or (ii) or 58 (2) has not yet expired.	General Manager Manager City Planning Principal Planner.”														
<p>The Mayor asked the Deputy Mayor to assume the Chair (8.32pm).</p> <p>The Mayor resumed the Chair at 8.34pm.</p> <p>The MOTION was put and LOST</p> <table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Chipman</td><td>Ald Blomeley</td></tr><tr><td>Ald Chong</td><td>Ald Ewington</td></tr><tr><td>Ald Edmunds</td><td>Ald James</td></tr><tr><td>Ald Mulder</td><td>Ald Kennedy</td></tr><tr><td>Ald Peers</td><td>Ald Warren</td></tr><tr><td>Ald Walker</td><td>Ald von Bertouch (abstained)</td></tr></table>			FOR	AGAINST	Ald Chipman	Ald Blomeley	Ald Chong	Ald Ewington	Ald Edmunds	Ald James	Ald Mulder	Ald Kennedy	Ald Peers	Ald Warren	Ald Walker	Ald von Bertouch (abstained)
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Ald Mulder	Ald Kennedy															
Ald Peers	Ald Warren															
Ald Walker	Ald von Bertouch (abstained)															

9. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

9.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil.

9.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

9.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Blomeley

Both my questions relate to the severe storm event of 7 January.

1. You would be aware of the damage to the East Derwent Highway but also the flooding of homes as the water cascaded down towards the Esplanade to the river. A number of homes were flooded and damaged one resident lost a fence, so it was quite severe. My question is have we, particularly in that area between Ronnie and Shore Streets Rose Bay /Lindisfarne, contacted the State Government particularly the Minister for Infrastructure and Transport regarding the need for adequate drainage in that area?

ANSWER

I don't believe that we have contacted anyone in the State Government regarding those areas.

(Further information) We have asked the Department of State Growth and are awaiting a response. Aldermen will be updated once an answer is received.

2. That night when residents were dealing with this severe weather event the council works crew came out at about 9.30 on that Friday night and assisted a number of residents bringing a brick fence that had fallen over back to the property and securing that so my question is Mr Mayor could you or the General Manager please extend to our works crew the appreciation of many grateful residents particularly those of Rose Bay who were so appreciative of the assistance they received from our hardworking staff?

ANSWER

(Mayor) We will certainly do that.

Ald Edmunds

1. With regard to the questions on notice I sent an email around I think we are all sort of dealing with different people or different issues because there is so much flooding that has occurred. I was really encouraged by what the General Manager said about providing some info to businesses about when the works might have started. I wondered if we could consider in our comms as well an update for our residents because if it's just dribs and drabs through various Aldermen it might be better with this issue with the way it's to be started to have a proper comms package a bit like we did with the estuary. I'm not saying we have to have a pop up event but a fact sheet or something like that just so everyone knows where they're coming from and we have a consistent message out there about when this is coming and why and if there are further queries etc?

ANSWER

(Mayor) That is a good suggestion Ald Edmunds we will follow that up.

(Further information) A two-page FAQ is being prepared detailing our stormwater projects. This will be finalised shortly.

2. Could we acknowledge the hard work that everyone put in for the cricket match, the City looked fantastic so congratulations to everyone involved?

ANSWER

We intend to recognise the work of the many council staff involved in the preparation and support of the Ashes Test.

Ald Ewington

Just a follow on from the questions I asked at the last meeting, you will note in there I did actually ask for a list of the sites or locations where we placed these signs, these signs that are now a waste of time to be honest, the check-in signs. So, if I could get the list of locations from the General Manager?

ANSWER

The QR signs have been placed in parks with play and/or skate equipment, in accordance with the Public Health Direction. Check-in is still mandated by Department Health at these sites. In the larger parks, multiple signs have been erected where reasonable to do so. Actual locations of installation are:

1	Adina Park	34	Leyden Court Park
2	Anulka Park	35	Linden Park
3	Anzac Park Lindisfarne	36	Malunna Park
4	Astor Park	37	Minerva Park South
5	Banyalla Play Park	38	Montague Bay lease
6	Barana Neighbourhood Park	39	Morrisby Play Park
7	Bayview Park	40	Mortyn Place Park
8	Bellerive Beach Park	41	Nelson Park
9	Beltana Park	42	Oakdown Park
10	Blessington Street Reserve	43	Opossum Bay Park
11	Camelot Park	44	Percy Park
12	Carbeen Play Park	45	Pindos Park

13	Carella Park	46	Poplar Play Park
14	Clarendon Vale Green Belt	47	Raleigh Court Reserve
15	Clifton Beach Reserve	48	Richmond Municipal Park
16	Coobar Play Park	49	Risdon Vale Community Park
17	Cremorne Apex Park	50	Rose Bay Foreshore Park
18	Cremorne Beach Outdoor gym	51	Rosny Point Reserve - 1
19	Currajong Park	52	Rosny Skate Park
20	Eastwood Play Park	53	Rotuma Park
21	Elinga Play Park	54	Shoreline Park
22	Epping Play Park	55	Simmons Park
23	Fairfield Park	56	South Arm Skate Park
24	Flinders Street Park	57	Stanley Park
25	Geilston Bay Recreation Centre	58	Sunshine Home Playgroup
26	Glebe Hill Estate	59	Swinton Play Park
27	Glebe Hill Park	60	Tandundal Park
28	Hookey Street Park	61	Tranmere Hall Playground
29	Kangaroo Bay Water Park	62	Vela Park
30	Kerria Play Park	63	War Memorial Recreation Reserve
31	Lauderdale Canal Skate Park		
32	Laurel Play Park	64	Warrane Green Belt
33	Lewis Park	65	Waverly Flora Park
		66	Wentworth Park Play Park

2. Just to confirm the amounts you have put in for the installation costs are only for the cost of the signs it doesn't include staff time or liaison with the Health Department and all those sort of issues?

ANSWER

The cost provided is for signs and installation materials only. It does not include labour costs.

Ald James

1. I have a photo of council workers working on that parcel of land at Kangaroo Bay which is the section where the training facility as part of the Chambroad development was to be. Did Chambroad pay for the clearing of the high grass on that land or pay council workers for the clearing of that high grass on that land that's owned by Chambroad or was it basic clean up before the Ashes test within the City?

ANSWER

The General Manager sought clarification of the location referred to. (Mayor) I believe it to be the bank parallel to Cambridge Road where the hospitality school was going to be as opposed to the hotel.

(Further information) Part of the Chambroad site was tidied up by council staff as part of our wider Ashes preparation program. The land at the corner of Rosny Hill Road and Kangaroo Bay Drive was also tidied up, as were a number of verges and nature strips throughout the wider area. This work was not charged to anyone. It was undertaken on a discretionary basis as part of a wider program of works to showcase the city ahead of the Ashes Test.

2. In relation to the 42 [day] statutory timeline for planning, the question is whether there needs to be or is there some extraordinary extension of the period arising over the Christmas period as that would have a bearing on many of the development applications lodged in the November/December timeline, is there some extraordinary extension granted to allow for that time lodgement for the 42 days to be extended because of that time over the Christmas break?

ANSWER

The Act provides that the 42 days does not include days where the office is normally closed.

Ald Mulder

My question relates to the eastern link of the Richmond Bypass, the Minister for Infrastructure has advised us that his department intends to contact council to assist us in developing a structure plan as a basis for the Richmond Bypass to protect our historic gems. Has that contact been made and what is the timeframe for development of the plan?

ANSWER

The Department of State Growth has engaged consultants to develop a Transport Network Operating Framework for Clarence, with the objective to guide the operation and development of the transport network on Hobart's eastern shore and provide a basis for decision making that reflects the competing demands on the transport network. The study includes the following three areas:

- Urban area of Clarence (generally the settled area between the Derwent River and the Meehan Range, from Sugarloaf Road to Acton Road)
- Richmond township
- Road network between Brighton and the Hobart Airport (including Tea Tree Road, Back Tea Tree Road, Middle Tea Tree Road, Colebrook Road, Malcolm's Hut Road, Richmond Road and Cambridge Link Road)

The project commenced in December 2021 and will involve individual stakeholder meetings including council officers to inform the development of the Network Operating Framework.

Ald Walker

1. My question relates to the E-scooters that are gracing Launceston and Hobart council areas. I had some issues raised by residents expressing concern about where Clarence stands, so I guess while it is not something we have deliberated on I think that perhaps to give the community some comfort if the steps for that to happen could be generalised so that when we are having discussions with members of the community we could let them know that that is what needs to happen or what the potential steps are, certainly there are problems on the other side of the river and trying to get the balance right between dynamic transport and community safety is an issue. Could we be provided with the steps involved that would be required for E-scooters on the Eastern Shore?

ANSWER

E scooters are restricted to a speed of 15km/h on footpaths, and 25km/h on shared paths, bicycle paths and local roads.

Councils have the power to restrict footpaths that should not be shared and to add divided local roads to the network on a case-by-case basis. We have not identified or declared any no-go zones.

Anyone 16 years of age or older will be able to use an eScooter as long as they wear a helmet and comply with all of the road rules, including speed limits and don't use mobile phones.

There are privately owned eScooters being used in Clarence, however the hire companies operating in Hobart have "geofenced" their scooters so that cannot be used here.

For a large-scale commercial trial to take place in the city it would require a decision of council and subsequent negotiations on licences and permits.

2. With the storm event could we be provided with a breakdown with the sum of our stormwater systems if an increase in hard surfaces was a contributing factor or a factor that is the straw that is breaking the camel's back and the reason for that is to try and figure out whether there are certain developments that are occurring that suddenly steps up a stormwater requirement?

ANSWER

We do not have that specific information to assess the contributing factor question. The particular flooded areas in recent years have experienced high intensity rainfall in a localised area. The events are modelled in our stormwater management plans which contain a capital investment plan to improve areas of concern in the long term.

Ald Warren

If we are contacting the State Government to ask for an update on the damage to the East Derwent Highway, would it be possible to include consideration of planting along that area because it seems to me that there was nothing to hold the soil on and it just washed away and took all the bricks with it? That area used to be well planted, I recall fondly the ubiquitous pig face all the way from the bridge to Lindisfarne and it is certainly something that our constituents frequently contact us and complain about the state of that middle section of the East Derwent Highway and how unattractive it is.

ANSWER

(Mayor) We will ask the State Government to take the vegetation into account as well.

(Further information) We have asked the Department of State Growth and are awaiting a response. Aldermen will be updated once an answer is received.

9.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

10. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

10.1 APPLICATIONS FOR LEAVE OF ABSENCE

10.2 TENDER T1397-20 – CLARENCE AQUATIC CENTRE – PLANT UPGRADE

10.3 TENDER T1434-21 – OAKBANK ROAD, OTAGO BAY – ROAD RECONSTRUCTION

10.4 APPOINTMENT OF COMMITTEE MEMBER AND CHAIRPERSON

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the reports in the Closed Meeting section of the Council Agenda were dealt with on the grounds that the detail covered in the reports relates to:

- personnel matters;
- contracts and tenders for the supply of goods and services; and
- applications by Aldermen for a Leave of Absence.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

Decision:

PROCEDURAL MOTION

MOVED Ald Chong **SECONDED** Ald Peers

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting”.

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

The following Closed Meeting Motions have been authorised by Council for publication in the public Minutes.

10.2 TENDER T1397-20 - CLARENCE AQUATIC CENTRE - MECHANICAL SERVICES UPGRADE

Ald Ewington declared an Interest in this Item and left the meeting prior to discussion (9.05pm).

Decision:	MOVED Ald Walker SECONDED Ald James
	“That Council:
	<p>A. Approves the Tender received from Advanced Contracting Pty Ltd in the amount of Seven Hundred and six thousand two hundred and fifteen dollars (\$706,215), excluding GST, for the Mechanical Services Upgrade at the Clarence Aquatic Centre.</p> <p>B. Reallocates funds from the 2021-2022 Roads Capital Program to the Facilities Capital Program as follows:</p> <ul style="list-style-type: none"> • Remove funds from Saundersons Road erosion protection \$170,000 • Allocate funds to the Clarence Aquatic Centre Mechanical Services Upgrade project \$170,000 <p>C. Authorises the General Manager to negotiate with the Lessee, should it be necessary, to reimburse them for any period of closure of the facility due to quantifiable losses arising from the planned works.</p> <p>D. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”</p>

/ Decision contd on Page 36...

**TENDER T1397-20 - CLARENCE AQUATIC CENTRE - MECHANICAL SERVICES
UPGRADE /Decision contd...****PROCEDURAL MOTION****MOVED** Ald Blomeley **SECONDED** Ald Walker

“That the matter be dealt with ad seriatum”.

The **PROCEDURAL MOTION** was **put** and **LOST****FOR**Ald Blomeley
Ald Walker**AGAINST**Ald Chipman
Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald WarrenThe **MOTION** was **put** and **CARRIED****FOR**Ald Chipman
Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren**AGAINST**

Ald Blomeley

10.3 TENDER T1434-21 - OAKBANK ROAD, OTAGO BAY - ROAD RECONSTRUCTION

Decision: **MOVED** Ald James **SECONDED** Ald Kennedy

- “A. That the Tender from Stabilised Pavements of Australia (SPA) for \$418,187.17 excluding GST, be accepted for the road pavement reconstruction work in Oakbank Road, Otago Bay, Tasmania.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”

CARRIED UNANIMOUSLY

The Meeting closed at 9.21pm.